

1 JAMES R. ROBIE, SBN 67303  
2 KYLE KVETON, SBN 110805  
3 RONALD P. FUNNELL, SBN 209897  
4 ROBIE & MATTHAI  
5 A Professional Corporation  
500 South Grand Avenue, 15<sup>th</sup> Floor  
Los Angeles, California 90071  
(213) 706-8000 • (213) 624-2563 Fax  
kkveton@romalaw.com

6 Attorneys for Plaintiff PROGRESSIVE WEST  
INSURANCE COMPANY

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

11 PROGRESSIVE WEST INSURANCE  
12 COMPANY, an Ohio corporation,  
13 Plaintiff,  
14 vs.  
15 BUN BUN TRAN, LEONEL  
16 ARRELLANO,  
17 Defendants.

CASE NO. 07 - CV 1999 JAH (POR)

**REQUEST TO ENTER DEFAULT  
AGAINST DEFENDANT LEONEL  
ARRELLANO; DECLARATION OF  
RONALD P. FUNNELL**

18 TO: THE CLERK OF THE ABOVE-ENTITLED COURT

19 Plaintiff Progressive West Insurance Company (“Progressive”) hereby requests  
20 that the clerk of the U.S. District Court Southern District of California enter default  
21 in this matter against defendant Leonel Arrellano on the ground that said defendant  
22 has failed to appear or otherwise respond to the complaint within the time prescribed  
23 by the Federal Rules of Civil Procedure. Plaintiff served the complaint on defendant  
24 Leonel Arrellano on November 5, 2007, evidenced by the Summons on file with this  
25 Court and attached as Exhibit A.

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1       The above stated facts are set forth in the accompanying declaration of Ronald  
2 P. Funnell, filed herewith.  
3

4 DATED: April 8, 2008

ROBIE & MATTHAI  
A Professional Corporation

5       By:

6                   JAMES R. ROBIE \_\_\_\_\_  
7                   KYLE KVETON  
8                   RONALD P. FUNNELL  
9                   Attorneys for Plaintiff PROGRESSIVE WEST  
INSURANCE COMPANY

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1                   **DECLARATION OF RONALD P. FUNNELL IN SUPPORT**  
2                   **OF REQUEST TO ENTER DEFAULT**

3 I, RONALD P. FUNNELL, declare as follows:

4         1. I am an attorney licensed to practice law in the state of California and am  
5 an attorney with the law firm of Robie and Matthai, attorneys representing Plaintiff  
6 Progressive West Insurance Company in this case. The facts stated in this declaration  
7 are from my own personal knowledge and I would and could testify competently to  
8 these facts if called to do so.

9         2. Defendant Leonel Arrellano was served with the Summons and the  
10 Complaint on November 5, 2007. Attached hereto as **Exhibit A** are true and correct  
11 copies of the Summons and Complaint.

12         3. Defendant Leonel Arrellano has not appeared in this action and has not  
13 responded to the complaint within the 20 day time period permitted by law as  
14 provided by FRCP 12(a)(1).

15         4. Defendant Leonel Arrellano is not a minor nor an incompetent person.

16         I declare under penalty of perjury under the laws of the State of California that  
17 the foregoing is true and correct.

18         Executed this 8<sup>th</sup> day of April 2008, at Los Angeles, California.

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RONALD P. FUNNELL  
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## **PROOF OF SERVICE**

I declare that I am over the age of eighteen (18) and not a party to this action. My business address is 500 South Grand Avenue, 15th Floor, Los Angeles, CA 90071-2609.

On April 8, 2008, I served the foregoing document(s) described as:

**REQUEST TO ENTER DEFAULT AGAINST  
DEFENDANT LEONEL ARRELLANO;  
DECLARATION OF RONALD P. FUNNELL**

on all interested parties in this action by placing a true copy of each document, enclosed in a sealed envelope addressed as follows:

Attorneys for Defendant, Bun Bun Tran:

Christopher E. Angelo, Esq.  
Joseph Di Monda, Esq.  
ANGELO & DI MONDA LLP  
1721 No. Sepulveda Boulevard  
Manhattan Beach, CA 90266-5014  
Telephone: (310) 939-0099  
Facsimile: (310) 939-0023

**Defendant Leonel Arrellano, In Pro  
Per:**

107. Leonel Arrellano, Inmate #F77654  
c/o Division of Adult Operations  
Sierra Conversation Center  
5100 O'Byrnes Ferry Road  
Jamestown, CA 95327

**(X) BY MAIL:** as follows: I am "readily familiar" with the firm's practice of collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and, with postage thereon fully prepaid, placed for collection and mailing on this date in the United States mail at Los Angeles, California.

( ) **BY PERSONAL SERVICE:** I delivered such envelope by hand to the above addressee(s).

19 ( ) **BY OVERNIGHT COURIER:** I caused the above-referenced document(s) to  
20 be delivered to an overnight courier service (Federal Express), for delivery to  
the above addressee(s).

21 ( ) **BY FACSIMILE TRANSMISSION:** I caused the above-referenced  
22 document(s) to be transmitted to the above-named person(s) at the above  
facsimile number.

23 ( ) **BY E-SERVICE:** I caused the above-referenced document(s) to be  
24 electronically served on all counsel of record through the Court's CM/ECF  
filing and service system.

**25 (X) (Federal)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on April 8, 2008, at Los Angeles, California.

## Windy Gale Tyler